



## Legislation Text

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**File #:** Res 0870-2005, **Version:** \*

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### Res. No. 870

Resolution calling on Congress to repeal the Weldon Refusal Clause, which would allow institutions to refuse to comply with existing or future laws that protect women's access to abortion services.

By Council Members Quinn, Reyna, Brewer, Gioia, Moskowitz, Arroyo, Clarke, Comrie, Foster, Gerson, James, Palma and Perkins

Whereas, on December 8, 2004, President Bush signed into law the Fiscal Year 2005 Consolidated Appropriations Act, which included a sweeping federal "refusal clause" within a Labor, Health and Human Services and Education spending bill, dramatically impacting access to reproductive health care services; and

Whereas, The Weldon Refusal Clause, authored by Representative Dave Weldon (R-FL), prohibits "discrimination" against any "health care entity" that will not "perform, pay for, provide coverage of, or refer for abortions; regardless of federal, state or local laws to the contrary;" and

Whereas, The Weldon Refusal Clause goes beyond normal "conscience clause" protections already in effect and which are designed to accommodate those with moral or religious objections to providing abortion information and services regardless of federal, state, or local laws to the contrary; and

Whereas, The National Family Planning and Reproductive Health Association (NFPRHA), which filed a suit seeking to enjoin enforcement of the Weldon Refusal Clause, argues that the vague and sweeping nature of the clause has the potential to dramatically curb women's access to reproductive health care information and services; and

Whereas, Title X of the Public Health Service Act regulations that govern federal family planning funding has been an integral component of the national public health care system, providing high-quality family planning services and other preventative health care to low-income and uninsured individuals who may

otherwise lack access to health care; and

Whereas, Title X funds provide subsidized family planning services, health education and referrals for other health and social services; and

Whereas, NFPRHA contends that the Weldon Refusal Clause is at odds with Title X, which require all institutions receiving Title X funds to provide referrals for abortion services to women who request such information; and

Whereas, Due to the vagueness of the Weldon Refusal Clause and depending on interpretation of the provision, some City and State legislation regarding family planning services, such as providing rape victims with information about emergency contraception, could be considered illegal; and

Whereas, Due to potential conflicts between the Weldon Refusal Clause, Title X and local and state legislation, health care providers could become confused and potentially jeopardize Title X funding by trying to comply with the Weldon Refusal Clause; and

Whereas, Because the Weldon Refusal Clause is part of a large Labor, Health and Human Services and Education spending bill, federal funding for State and City services, such as schools, could be held up in an effort to restrict women's reproductive health options; and

Whereas, The Weldon Refusal Clause violates a women's right to choose to have a safe and legal abortion; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to repeal the Weldon Refusal Clause, which would allow institutions to refuse to comply with existing or future laws that protect women's access to abortion services.

DP  
LS# 2211  
3/2/05